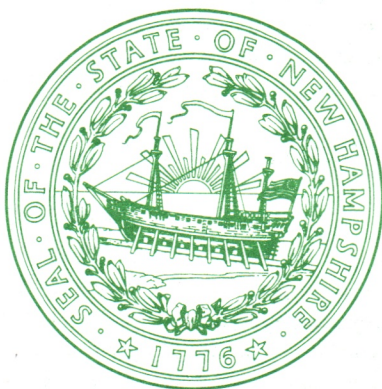


A WORKERS' GUIDE TO WORKERS' COMPENSATION

valuable information
know your rights
easy to read



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WORKERS' COMPENSATION – PROTECTION FOR THE WORKER

Workers' Compensation is an insurance program that pays medical and disability benefits to employees for work-related injuries and diseases. If you are injured on the job, the cost of your medical treatment will be paid by your employer's workers' compensation policy. If you become disabled, you will receive weekly disability income until you can return to work. All New Hampshire employers are required to provide this insurance coverage and must post a Notice of Compliance in an obvious spot in the place of business. This poster contains basic information about the rights and responsibilities of both the employer and employee and provides the name of the workers' compensation insurance company.

In order for everything to go smoothly when an injury occurs, everyone involved - worker, employer, insurance company and the treating physician - must fulfill their individual responsibilities without delay.

Injured Workers' Responsibilities

As soon as any injury occurs, or as soon as you discover that you have an occupational disease, be certain to notify your employer, supervisor or foreman. You have up to two years to report the injury or illness to your employer, but it is best to report it as soon as you become aware of it. If more than first aid treatment is needed or if any medical bill is involved, you must also fill out a Notice of Accidental Injury or Occupational Disease (form no. 8aWCA). This form can be obtained from your employer and should be filled out in duplicate. Give it to your employer for acknowledgment and then keep one copy for yourself. If your employer refuses to give you a form, refuses to sign the form acknowledging your notice of the accident, or refuses to give you a copy for your records, contact the Labor Department for further assistance.

If you need to be out of work while you recuperate from the injury or illness, be certain to keep your employer informed. If your disability lasts more than three days, you become eligible for tax free disability payments, as well as payment of related medical bills. Your employer and the insurance company cannot

arrange for these payments unless they know what your medical problem is and approximately how long you will be out of work. A slip from your doctor will be helpful to your employer and the insurance company in processing your claim.

Employer's Responsibilities

Once notified, your employer has five days to report the injury or illness to the insurance company and the Labor Department. If you are still disabled at the end of the three days (calendar days not work days), the employer is required to fill out a supplemental report and a wage schedule. The insurance company will need these reports in order to begin sending your workers' compensation payments in the proper amount.

Insurance Company's Responsibilities

The law gives the insurance carrier a maximum of 21 days from the date they receive the claim to do the investigation and to make a decision about your eligibility for payment of medical bills and/or disability income. You may be asked to sign a release of information form so that the insurance company can obtain the necessary medical records to make a decision about your claim. The carrier will notify you directly as to their decision.

Denial of Benefits

If the insurance company denies your claim for workers' compensation benefits and you disagree with the decision, you may contact the Department of Labor to request a hearing. By law, this request must be in writing and should include your name, the name of the company you work(ed) for and the date of your injury. You have 4 years from the date of last payment of compensation or 18 months from date of denial to request a review of the denial.

Workers' Compensation Hearings

Hearings are held in a conference room; only the involved parties are present. A hearings officer conducts the hearing and testimony is given, under oath, by the claimant and the insurance company. Some people prefer to be represented by an attorney at a hearing, but this is strictly a matter of personal pref-

erence. It is important for you to be aware that all medical reports that you may wish to rely on at your hearing, **must** be in the hearing file at least five days prior to the hearing. Except in unusual situations, the hearings officer will issue a decision within 30 days.

Workers' Compensation Payments

New Hampshire has a three day waiting period before payment of disability benefits begins. An employee who has been disabled for four days is eligible for one day of compensation; for five days, two days of compensation; for six days, three days of compensation etc. After fourteen days of disability, compensation is paid retroactively to the first day of disability. These "days" of disability are calendar days, not work days, and do not necessarily have to occur consecutively.

The amount of disability income that an injured worker receives depends on the amount she/he earned on a weekly basis prior to the injury. There are maximum and minimum compensation rates which change each year: however, in general, the weekly compensation rate is 60% of the workers' gross average weekly wage based on the 26 weeks preceding the injury. If you have specific questions about your compensation rate, contact either the insurance company or the Labor Department for more detailed information.

If you are receiving partial benefits, there is a limit of 262 weeks depending on your date of injury and this does include the time you were receiving total disability benefits.

If you are employed by more than one employer at the time of your injury, you may be eligible for benefits based on both incomes. You should contact the carrier who is paying the workers' compensation benefits and advise them of your other employment. Sources of income from uninsured self-employment, unreported earnings, federal employment and employment not subject to NH workers' compensation law, i.e. employment in other states are not included for the calculation of combined earnings income.

Permanent Impairment Award

The law provides for a special case award when the injury or illness causes a permanent loss of use of certain parts of the body, including hands, arms,

fingers, toes, feet, legs, eyes and ears. The amount of the award varies according to the type and extent of loss, and can be paid even if the injured worker has returned to work and no longer receives benefits.

Cost of Living Adjustment

If you are receiving total disability benefits for an injury, you may be entitled to an adjustment in your weekly compensation rate provided you have been totally disabled for more than three consecutive years, you do not receive Social Security benefits and your current disability benefit does not exceed two-thirds of the state's average weekly wage at the time of adjustment.

If you think you are entitled to an increase in your compensation rate, you should contact the insurance carrier paying your benefits. They will request a copy of the denial of Social Security Disability benefits, so it is important that you apply for these benefits after approximately 2 and 1/2 years of disability.

Reinstatement of Employee Sustaining Compensable Injuries

Under certain circumstances, the employer may be required to reinstate the employee to their former position of employment. The employee must request reinstatement to their former position or to another existing position which is vacant and suitable with reasonable accommodations for the employee's limitations. The employee must supply a certificate verifying that he/she is able to apply to return to work. However, some exceptions do apply to the right to reinstatement.

Vocational Rehabilitation

The New Hampshire workers' compensation law provides for vocational rehabilitation services to injured workers who are unable to return to the kind of work for which they have training or experience. Rehabilitation services vary from case to case depending on the individual's needs and may be provided by private rehabilitation companies. Reasonable expenses of the rehabilitation program will be paid by the insurance company. The success of rehabilitation depends primarily on the injured workers' involvement and effort in the Individualized Written Rehabilitation Plan (IWRP), jointly developed and carried out by the injured worker and rehabilitation provider.

***NEED MORE
INFORMATION?***

Contact:

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